



# U.S. Immigration and Customs Enforcement

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**STATEMENT**

**OF**

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DEPARTMENT OF HOMELAND SECURITY**

**BEFORE THE**

**COMMITTEE ON HOMELAND SECURITY  
MANAGEMENT, INTEGRATION AND OVERSIGHT SUBCOMMITTEE**

**HOUSE OF REPRESENTATIVES**

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## **INTRODUCTION**

Good afternoon, Chairman Rogers, Ranking Member Meek and distinguished Members of the House Homeland Security Management, Integration and Oversight Subcommittee. It is my privilege to be with you today to discuss how ICE is applying its expertise and authorities to protect the American people from threats that cross our borders.

## **THE ICE MISSION**

Within the Department of Homeland Security (DHS), ICE has expansive investigative authorities and the largest number of criminal investigators. ICE is the Nation's principal investigative agency for violations of the law that have a nexus to our borders. Our mission is to protect the American people by combating terrorists and criminals who seek to cross our borders and threaten us here at home.

In furtherance of our mission, ICE personnel are assigned overseas, along the borders, and throughout the Nation's interior. ICE special agents and officers utilize their unified immigration and customs authorities to identify, investigate, apprehend and remove potential terrorists and transnational criminal groups that seek to move themselves, their supporters or their weapons across the Nation's borders through human, drug, contraband or financial smuggling networks, routes and methods.

Within the Nation's interior, ICE's Federal Protective Service (FPS) carries out its statutory responsibility to protect federal property, buildings and their occupants. FPS provides security and law enforcement services to 9,000 federal facilities and one million federal employees and visitors on a daily basis, thereby preventing criminal and terrorist attacks against our critical infrastructure and resources. Through each of these efforts, ICE continues to make strong contributions to the security of our Nation and its borders.

## **DHS ORGANIZATION**

The creation of the Department of Homeland Security in 2003 prompted the largest reorganization of the federal government in more than 50 years. While several agencies, such as the U.S. Coast Guard and the U.S. Secret Service, joined DHS intact, others, such as ICE, were created from the constituent elements of legacy agencies. As a result, the management challenges associated with establishing ICE, the largest investigative agency within DHS, were significant. Compounding these challenges were severe financial shortfalls in 2003 and 2004 that have since been corrected with Congressional assistance and improved financial management. ICE also underwent further organizational changes with the 2004 transfer of the Office of Air and Marine Operations (AMO) to U.S.

Customs and Border Protection (CBP), and the 2005 transfer of the Federal Air Marshals Service (FAMS) from ICE back to the Transportation Security Administration (TSA).

I am pleased to report that ICE has now achieved a measured improvement in organizational and funding stability. We have overcome many of the transitional challenges associated with the agency's creation and early development. The resolution of budget constraints and organizational challenges has permitted ICE to increase its focus on making strong operational contributions to our border, homeland and national security. ICE is producing dramatic results across the full range of ICE field operations and we are achieving ever-greater synchronization with CBP.

### **The Inspector General's Merger Recommendation**

Prompted in part by public reports detailing the transitional challenges associated with ICE's early development in 2003 and 2004, Congress requested in January 2005 that the DHS Inspector General (IG) assess the benefits of a possible merger of ICE and CBP. The IG conducted the bulk of its fieldwork between February and June 2005 -- a time in which many of the challenges associated with ICE's early development had yet to be fully resolved. The final November 2005 IG report included 14 recommendations for improving the cooperation between ICE and CBP, while recommending a suggested merger of the two agencies.

### **DHS-Second Stage Review**

While the IG audit was underway, DHS was conducting its own internal, organizational review. Secretary Chertoff announced the results of the Department's Second Stage Review (2SR) in July 2005, which led to the dissolution of the Border and Transportation Security (BTS) directorate, a management layer between the Department's leadership and its component agencies. This streamlining of the Department's organization led to direct lines of reporting between the Secretary and ICE and CBP. Now there is the Secure Border Initiative (SBI) office, a Departmental-level office that functions, in effect, as the engine for increasing ICE and CBP synchronization across the full range of interdiction, investigative, and detention and removal functions.

These proactive steps have now eliminated the need for the Department to incur the additional and substantial costs and risks associated with a merger. The Department's overarching strategy supports efforts by ICE and CBP to remain focused on strengthening their respective investigative and interdiction mission areas, while simultaneously improving cooperation between the two agencies.

The following structural changes have increased Department-wide cooperation:

- The development and Department-wide implementation of a Directorate for Policy and an Office of Operations Coordination. These Departmental units work directly with ICE and CBP to achieve greater efficiencies in our border security, interdiction, investigative, apprehension, and detention and removal operations. The Office of Operations Coordination is in the process of establishing a new capability to design metrics that will support efforts to constantly assess data, measure results and make operational changes accordingly across the Department.
- DHS has also created a new Chief Intelligence Officer position, which includes oversight of a border security unit devoted entirely to the development of analysis, methodologies and requirements that will improve the fusion of border security information while alerting ICE and CBP to vulnerabilities that could be exploited by terrorist and other transnational criminal organizations along the southern and northern borders.
- The ICE/CBP Coordination Council provides a high-level forum for ICE and CBP senior management to identify and resolve outstanding issues between the agencies. ICE and CBP are aligning priorities in some important areas of shared mission. This will allow both agencies to effectively leverage each other's capabilities to achieve the highest levels of performance.
- The DHS Under Secretary for Management and the Chief Financial Officer collaborate directly with ICE and CBP to ensure greater degrees of transparency and cooperation throughout both agencies' budget formulation and strategic planning processes.
- By holding weekly SBI meetings with leadership from ICE, CBP and other involved Departmental offices, Secretary Chertoff maintains direct oversight of the agencies and signals his personal commitment to having ICE and CBP work in concert at all levels with the Department and one another.
- The creation of a standing SBI program office within the Department's Policy Directorate also provides high level direction and guidance to ICE and CBP across the full range of border and interior investigation, interdiction, enforcement, detention and removal operations and functions.

Ongoing organizational improvements resulting from Secretary Chertoff's 2SR, as well as the SBI program office, show that the Department's decision not to merge ICE and CBP was correct.

ICE believes that the Department's decision to maintain separate agencies is correct for four principal reasons.

- ICE is producing results in every area, from removals to partnerships with the Department of Justice and U.S. Citizenship and Immigration Services (CIS) to innovative techniques for catching criminals. ICE is also achieving a record level of success – success not achieved by the component agencies that formed ICE. This is due in large part to the agency’s ability to focus and display high level attention on topics that previously had remained the domain of lower levels in the organization.
- A merger would cause another massive bureaucratic reorganization that would inflict significant financial costs while having a profound negative impact on operational efficiency and employee morale. It could take years before a merged unit would reach the level of performance presently achieved by the separate agencies.
- The recommendation to merge does not take into account the fact that identified challenges between CBP and ICE can be (and in fact have been) resolved through means other than a merger. The Department’s 2SR review and the creation of the SBI office demonstrate the Department’s ability to swiftly identify and build the right mechanisms for harmonizing ICE and CBP operations and programs.
- The DHS IG’s merger recommendation also does not fully consider the significant risks associated with losing the operational focus presently displayed by ICE and CBP within their respective core investigative and interdiction mission areas. The risks include the diminished ability to apply focused and disciplined leadership across the full spectrum of core missions, as presently undertaken and carefully directed by ICE and CBP leadership.

ICE and our colleagues at the Department appreciate the hard work conducted by the IG. We continue to address and resolve issues of concern raised by the audit. However, it remains our informed assessment that homeland security would be best protected if ICE and CBP remain focused on their respective investigative and interdiction missions, while increasing cooperation where it is most beneficial.

We agree with a more recent assessment by the General Accounting Office (GAO) Director of Homeland Security and Justice, Mr. Richard M. Stana, who testified on March 28, 2006, before the House Government Reform Subcommittee on National Security, Emerging Threats and International Relations in opposition to merging ICE and CBP. Mr. Stana stated, “I think the best thing they can do right now is let [ICE] mature, let it stabilize.” We strongly believe that Mr. Stana’s assessment is correct. DHS remains strongly committed to preserving ICE and CBP as separate agencies and many improvements have already been made in the way the two agencies operate individually, and in concert with one another.

## **DHS INITIATIVES**

Since launching the 2SR restructuring of DHS and establishing the SBI program office and its related initiatives, Secretary Chertoff has continued to aggressively foster a unified organizational culture across DHS. The positive impact of these efforts can be seen in several ICE and CBP operations and programs. For example,

- In 2006, the Department initiated the first new Border Enforcement Security Task Force (BEST) in Laredo, TX, building upon the success of the multi-agency ICE led Operation Blackjack that began in July 2005. BEST is an intelligence-driven task force, comprised of officers from federal, state, and local law enforcement agencies, including the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the U.S. Marshals Service (USMS) and CBP. These agencies share information and target the leadership and supporting infrastructure of violent criminal organizations operating in the Laredo/Nuevo Laredo area. Another BEST task force has been established in Arizona, and ICE and CBP are working together to identify future locations.
- Last month, the Department announced the creation of ten new Document and Benefit Fraud Task Forces across the country to combat the growing problems and national security risks associated with the falsification and counterfeiting of identity documents as well as fraud involving efforts to obtain immigration and other benefits. Along with an existing task force in Washington, D.C., new task forces will be established in Atlanta, Boston, Dallas, Denver, Detroit, Los Angeles, New York, Newark, Philadelphia and St. Paul. Supporting this ICE-led effort are the Departments of State, Justice and Labor, as well as other DHS agencies such as U.S. Citizenship and Immigration Services (CIS) and the U.S. Secret Service. ICE and CIS have consistently been engaged in a productive joint anti-fraud effort since the Department's creation. With these new Document and Identify Benefit Fraud Task Forces, DHS is leading the federal effort to combat the grave national security vulnerabilities that can arise when potential terrorists and other criminals seek to exploit our immigration system through fraudulent means. A crucial element of this effort is the outstanding work performed by experts at the ICE Forensic Document Laboratory (FDL), which conducts sophisticated forensic analysis of counterfeit and fraudulent travel, identity and immigration benefit documents for ICE and our federal, state, local and international partners.

The expanded use of expedited removal and the efficiencies gained through an initial reengineering of our detention and removal processes under the auspices of the Secure Border Initiative have enhanced our removal capabilities. The additional beds and support staff included in the Administration's FY 2007 budget will allow us to facilitate the detention and removal of an additional 100,000 illegal aliens annually. This substantial increase in ICE capacity will strengthen deterrence by demonstrating to potential violators that apprehension is synonymous with removal from the United States.

- By reengineering ICE and CBP processes, the Department has continued to decrease the time it takes to remove non-Mexican (OTM) illegal aliens from this country. This new expansion of expedited removal (ER) policy permits the accelerated removal of such individuals apprehended within 14 days of entry and within 100 miles of the borders. To date, ER has decreased the average number of days that OTMs are detained from 90 to 22. By reducing the average detention time, the Department has, in effect, made available a greater number of beds and associated infrastructure to support additional capacity.
- ICE and CBP also work closely to ensure the integrity of their respective work forces. Staffed by both agencies 24 hours per day, the ICE/CBP Joint Intake Center (JIC) was established to receive, document, route and track misconduct allegations involving ICE and CBP personnel. Furthermore, ICE's Office of Professional Responsibility conducts all criminal investigations declined by the DHS Office of Inspector General involving both ICE and CBP employees.
- Through the Security and Prosperity Partnership of North America (SPP), ICE and CBP are actively engaged in DHS' cooperative efforts with the Governments of Canada and Mexico. For example, we are working with Mexican officials to combat border violence and improve public safety. In March, Secretary Chertoff met with the Secretary of Governance of Mexico, Carlos Abascal, to sign an action plan that strengthens cooperative procedures between federal law enforcement agencies on both sides of the border and the ability of our agencies to respond effectively to scenarios ranging from accidental crossings to incidents of violence. ICE and CBP are firmly committed to coordinating law enforcement efforts with the Government of Mexico – whether combating cross-border crime in Laredo, Texas, reducing the number of human smugglers operating along the southwest border, or uncovering cross-border tunnels in California and Arizona.

While significant gains have been made in coordinating both Department-wide and ICE/CBP operations with shared or overlapping mission sets, the Department's current structure also allows both agencies to develop expertise in their own mission areas without competing priorities.

### **THE ICE FOCUS**

By maintaining ICE as an independent agency, the Department continues to signal two national requirements that are prerequisites for effective homeland security:

- The need for a federal law enforcement agency dedicated to investigating crimes that arise from and are associated with our borders and related border activity, including lawful and illicit commerce, trade and travel. This dedicated, investigative capability provides a critical layer of

protection against threats to our homeland and national security that arise from our borders.

- The vigorous enforcement of immigration laws at our borders and throughout the interior, including the continued development of infrastructure and mechanisms needed to swiftly apprehend, detain and remove illegal aliens from this country.

Having reached a more stable organizational and funding level this year, ICE has devoted maximum attention to these objectives.

One of the most significant developments to flow from the unification of the nation's customs and immigration authorities under ICE has been the aggressive application of financial investigative methods to disrupt and dismantle criminal organizations involved in immigration and human smuggling and trafficking violations. By leveraging these authorities, ICE is now identifying and seizing the profits of criminal organizations that once thrived and generated extensive wealth from violating immigration laws.

Assets seized in immigration-related criminal investigations grew from \$400,000 in FY2003 to more than \$34 million in FY2005. We expect these numbers to increase as ICE special agents identify and uncover more sophisticated immigration fraud, human smuggling and trafficking conspiracies.

In addition, ICE is targeting its investigations to close national security vulnerabilities and to ensure the integrity of our nation's critical infrastructure facilities, including nuclear power and chemical plants, military installations, seaports, airports and other sensitive facilities.

ICE is also moving aggressively to increase the number of our Fugitive Operations teams that target absconders - those persons with a final order of removal who seek to evade apprehension. At the present time, we estimate the absconder population to be more than 550,000. The President's Budget includes additional resources to fund a total of 70 Fugitive Operations teams.

In March, ICE announced another wave of nationwide arrests of violent gang members who are immigration status violators. Since February 2005, ICE has arrested 2,596 gang members from 239 different gangs and has seized 122 firearms. Fifty-four of those arrested were gang leaders and approximately 984 of those arrested were affiliated with the violent Mara Salvatrucha (MS-13) gang. Of the total number of gang members arrested, 586 have been charged criminally for drug, firearms, immigration, and Racketeer Influenced and Corrupt Organizations (RICO) violations. Another 1,855 have been charged with administrative violations of our immigration laws.



We also are strengthening our capacity to pursue those who illegally seek to launder money, especially through the growing use of trade-based money laundering techniques. Criminal enterprises have long misused international trade mechanisms to avoid taxes, tariffs, and customs duties. ICE has created the Trade Transparency Unit (TTU) to identify anomalies in cross-border trade data that indicate potential international trade-based money laundering. By sharing trade data with foreign governments, ICE and participating governments can see both the import and export side of commodities entering or leaving their countries. This facilitates the trade transparency needed to identify and investigate international money launderers and money laundering organizations.

ICE launched the first TTU in Colombia to share information, assess risks, and conduct intelligence-driven, trade-based money laundering investigations. Using U.S. Department of State funding from “Plan Colombia,” ICE provided support to Colombian authorities and initiated trade-based data exchanges. U.S. investigative leads are vetted by the TTU and disseminated to ICE Special Agent in Charge offices for investigation, while Colombian leads are disseminated to our Colombian counterparts for investigation. With funding from the State Department, ICE has provided Colombia with 215 computers and other equipment. This has strengthened the Colombian Customs Service’s infrastructure modernization project and increased trade transparency to combat trade-based money laundering, drug trafficking, contraband smuggling, tax evasion and other crimes involving Colombia and the United States.

ICE’s enforcement of the Bulk Cash Smuggling law does not end at our Nation’s borders. In August 2005, ICE partnered with CBP and the State Department to initiate a joint training program for our Mexican counterparts on the methods used to smuggle bulk currency. As a direct result of this hands-on training, our Mexican counterparts seized during pulse and surge operations conducted over a 9-month period over \$30 million in cash and negotiable instruments that violated Mexican currency-reporting laws. The day after this highly successful joint operation – known as Operation Firewall – was launched in August 2005, we witnessed the single largest bulk cash seizure in Mexico: \$7.8 million dollars. ICE has worked with our Mexican counterparts to tie these seizures to larger investigations conducted in Mexico, the United States, and other South American countries. Building on the proven success of this initiative in Mexico, pulse and surge operations commenced again in March 2006, resulting in two seizures totaling over \$7 million dollars within the first few days of the operation. Separate from our work with Mexican authorities, ICE continues to provide training programs to nations throughout the world in efforts to combat bulk cash smuggling. The State Department continues to fund these international initiatives and we are grateful for its support.

ICE is also a critical partner in the FBI led Joint Terrorism Task Forces (JTTFs), contributing significant resources second only to the FBI, in our Nations fight against terrorism.

Collectively, these ongoing ICE missions, programs and operations strengthen our border, homeland and national security and underscore the progress made since ICE's creation in 2003. I credit the perseverance and professionalism of the men and women of ICE for achieving so much in three short years. Preserving ICE as an independent agency -- capable of focusing directly upon its core mission and operations -- is critical to our continuing efforts to protect the American people from criminal and other threats that arise from our borders.

## **CONCLUSION**

As the Department of Homeland Security's principal investigative agency, ICE is demonstrating that it is uniquely equipped to enforce our nation's laws and to protect the American people.

Although ICE is a new agency, we aggressively apply our unified immigration and customs authorities to identify and address vulnerabilities affecting the borders and the Nation's homeland and national security. At the same time, we bring to this effort the best of our former agencies' expertise, cultures, and techniques as we continue to improve the efficiency of this new federal law enforcement agency. In case after case, ICE agents, officers, analysts, and other personnel are putting into practice, on behalf of the American people, the powerful advantages that flow from our unified authorities. The result is a strong and growing contribution to the Nation's border, homeland and national security.

While the Department has made great strides in fostering a high degree of cooperation and synchronization between ICE and CBP for coincident mission areas, both agencies have succeeded in focusing on their respective core mission areas that do not require high degrees of coordination. We continue to demonstrate the significant value of retaining both agencies' independence, while simultaneously producing homeland security benefits derived from close inter-agency cooperation.

The men and women of ICE are grateful for the opportunity to serve the American people and, on their behalf, I thank this subcommittee, its distinguished members and Congress for your continued support of our work.

I would be pleased to answer your questions.